



February 4, 2019

The Honorable Lorena Gonzalez
Member of the Assembly
1020 N Street, Suite 511
Sacramento, CA 95814

Dear Assemblymember Gonzalez:

Acting Director Kathleen Webb requested that I respond to your letter dated January 25, 2019, inquiring on the California Department of Motor Vehicles' (DMV) policies regarding access to AB 60 license information and images.

DMV does not maintain a separate database for driver license applicants under AB 60, nor does it maintain a digital image of the physical driver license or identification card.

Pursuant to the Vehicle Code, specified entities, including law enforcement, courts, district attorneys, government or commercial requesters, and the public have access to certain information in departmental records. Records available to anyone requesting information from DMV do not identify whether the applicant applied for a license under AB 60.

Pursuant to Vehicle Code Section 12800.7, DMV does not release any document provided by an applicant for purposes of proving the applicant's identity, true full name, California residency, or legal presence, except in response to a criminal subpoena, a court order, or a certification from law enforcement attesting to an urgent health or safety need for the release of the documents. (See similar language in Vehicle Code Section 12801.9, which authorizes DMV to issue AB 60 licenses.)

DMV has policies regarding access to and the acceptable use of departmental resources, including the driver license and identification card database and the information contained therein. DMV's policies are governed by provisions of the Information Practices Act (Civil Code Section 1798 et seq.), the Public Records Act (California Government Code Section 6250 et seq.), California Government Code Sections 11015.5 and 11019.9, California Vehicle Code Section 1800 et seq., Article 5 (commencing with Section 350.02) of Title 13 of the California

Code of Regulations, the Driver's Privacy Protection Act [18 United States Code Sections 2721-2725], and other applicable laws pertaining to information privacy.

Pursuant to Vehicle Code Section 1810.5, law enforcement may access certain information from driver license or identification card records either directly from DMV via a requester account, or via the Department of Justice's California Law Enforcement Telecommunications System (CLETs) and Cal-Photo programs, which interface with DMV's database. Information available to law enforcement includes name, date of birth, residence and/or mailing address, photos, as well as conviction information, accidents, and any licensing actions taken by the department. Information available in these systems does not indicate the applicant's Social Security number, ineligibility for a Social Security number, or whether the individual applied under AB 60. In addition, these systems do not contain the documents an applicant used to establish their identity, true full name, California residency, or legal presence. As set out above, those documents are only available to law enforcement in response to a criminal subpoena, a court order, or a certification from law enforcement attesting to an urgent health or safety need for the release of the documents.

Pursuant to the Vehicle Code, non-law enforcement or governmental entities have access to information in departmental records either through DMV's Commercial Requester Account program (Vehicle Code Section 1810.2) or directly from DMV (Vehicle Code Section 1808), provided there is a permissible use. Permissible use is outlined in the federal Driver's Privacy and Protection Act, and includes the categories of motor vehicle or driver safety and theft; legitimate business use; criminal, civil, or arbitral processing; insurance; employment of commercial drivers; or as specified by California law.

The department has policies and procedures in place to monitor access and disclosure of database information, including the requirement for commercial requesters to file a bond and pay specified fees. Information from DMV records available to these requestors includes name, date of birth, as well as conviction information, accidents, and any licensing actions taken by the department. Information available to these requestors does not indicate the applicant's Social Security number, ineligibility for a Social Security number, or whether the individual applied under AB 60. Requestors are unable to access the documents an applicant used to establish their identity, true full name, California residency, or legal presence.

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An individual may request their own driver license or identification card record and receive the same information.

Thank you for the opportunity to address your questions and concerns regarding the protection of personal information entrusted to the department.

If you have any questions or concerns, please contact Gil Topete, Deputy Director of Legislation at (916) 657-6518.

Sincerely,

A handwritten signature in blue ink that reads "Sonia Huestis". The signature is fluid and cursive, with "Sonia" on the top line and "Huestis" on the bottom line.

SONIA HUESTIS, Deputy Director
Communication Programs Division

cc: Kathleen Webb, Acting Director
Gil Topete, Deputy Director of Legislation